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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,698

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Tommy E. White

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11/28/2005

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EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/647,698		WHITE ET AL.	
	Examiner		Art Unit	
	Hilary Gutman		3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,11-13,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Eipper et al.

Eipper et al. (6,224,120) disclose a vehicle comprising: a frame 38, 39, 40, 41 including at least one structural frame member; a body panel 23 forming a first portion of the vehicle exterior; and a metal bumper mounted with respect to the at least one structural frame member for receiving a load in the event of an impact to a portion of the vehicle periphery; the metal bumper including a one-piece inner panel 25, 45, and 46 and a one-piece outer panel 13 operatively connected to the one-piece inner panel, wherein the bumper forms a second portion of the vehicle exterior surface (see Figure 2); wherein at least a portion of the bumper is characterized by a curvature. The first portion and the second portion (despite apparent small gaps) are “substantially” contiguous.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Eipper et al.

Eipper et al. (6,224,120) disclose a vehicle comprising: a frame 38, 39, 40, 41 including at least one structural frame member; a body panel 23 forming a first portion of the vehicle exterior; and a metal bumper mounted with respect to the at least one structural frame member for receiving a load in the event of an impact to a portion of the vehicle periphery; the metal

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bumper including a one-piece inner panel 25, 26, 45, and 46 and a one-piece outer panel 13, 18 operatively connected to the one-piece inner panel (since the components 13 and 18 are welded together, they can apparently constitute “one-piece” as defined by “consisting of or made in a single undivided piece”), wherein the bumper forms a second portion of the vehicle exterior surface (see Figure 2); wherein at least a portion of the bumper is characterized by a curvature. The first portion and the second portion (despite apparent small gaps) are “substantially” contiguous.

With regard to claim 4, the at least one structural frame member includes two lower rails and two upper rails, and wherein the bumper is operatively connected to the two lower rails and the two upper rails such that an impact load received by the bumper in the event of a vehicle impact is at least partially distributed to the two lower rails and the two upper rails.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 12-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeulen in view of Eipper et al.

Vermeulen (6,022,057) discloses a vehicle bumper comprising : a first piece member 5 defining a first generally horizontally-oriented channel, a second generally horizontally-oriented channel spaced a first distance apart from the first generally horizontally-oriented channel, a first generally vertically oriented channel interconnecting the first and second generally horizontally-oriented channels, and a second generally vertically oriented channel spaced a second distance apart from the first generally vertically oriented channel and interconnecting the first and second generally horizontally oriented channels.

With regard to claim 13, a second one-piece member 8 closing the first and second generally horizontally oriented channels and the first and second generally vertically oriented channels.

With regard to claim 15, the second member is characterized by strengthening formations (such as side flange members forming the apparent U-shaped cross section of member 8).

With regard to claim 16, the bumper is "adapted" to mount to a pair of upper and lower rails (not shown) at coupling points 9.

Vermeulen lacks the first piece member being metal.

Eipper et al. (6,224,120) teaches a vehicle comprising: a first metal piece member 12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the first piece member of Vermeulen a metal material as taught by Eipper et al. in order to provide added crash strength to the vehicle.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eipper et al. as applied to claim 4 above and in view of Tohda et al.

With regard to claim 6, Eipper et al. disclose the bumper including an upper bumper bar portion, a lower bumper bar portion, and portion (Figure 5) interconnecting the upper bumper bar portion and the lower bumper bar portion.

With regard to claim 7, the inner and outer panel each at least partially define the upper bumper bar portion, the lower bumper bar portion, and the portion interconnecting the upper bumper bar portion and the lower bumper bar portion.

Eipper et al. lack the bumper including an inner panel and an outer panel operatively connected to the inner panel.

Tohda et al. (6,447,049) teach a vehicle comprising: a frame including at least one structural frame member 18; and a metal bumper 20, 25 mounted with respect to the at least one structural frame member for receiving a load in the event of an impact to a portion of the vehicle periphery; wherein at least a portion of the bumper is characterized by a curvature.

With regard to claim 4, the at least one structural frame member (Figure 2) includes two lower rails 26 and two upper rails 19, and wherein the bumper is operatively connected to the two lower rails and the two upper rails such that an impact load received by the bumper in the

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event of a vehicle impact is at least partially distributed to the two lower rails and the two upper rails.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided inner and outer panels as taught by Tohda et al. in place of the rod profile of Eipper et al. in order to provide an interior cavity for a filling material if so desired.

8. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeulen in view of Eipper et al.

Vermeulen discloses a vehicle comprising: a frame (inherent in conventional vehicles) including at least one structural frame member; a body panel forming a first portion of the vehicle exterior surface (such as 17, see Figure 1); and a metal bumper 2 mounted with respect to the at least one structural frame member for receiving a load in the event of an impact to a portion of the vehicle periphery and forming a second portion of the vehicle exterior surface; wherein at least a portion of the bumper is characterized by a curvature; and wherein the first and second portions of the vehicle exterior surface are substantially contiguous.

With regard to claim 11, the bumper includes an integral tab defining a hole (Figs 2-3).

Vermeulen lacks the outer panel being metal.

Eipper et al. (6,224,120) teaches a vehicle comprising: a metal outer panel piece 12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the outer panel of Vermeulen a metal material as taught by Eipper et al. in order to provide added crash strength to the vehicle.

Allowable Subject Matter

9. Claim 21 is allowed.
10. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hilary Gutman
November 21, 2005